

**AUTHORIZING THE SECRETARY OF THE INTERIOR TO MODIFY THE  
OPERATION OF THE KORTES UNIT, MISSOURI RIVER BASIN PROJ-  
ECT, WYOMING, FOR FISHERY CONSERVATION**

OCTOBER 12, 1971.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. JOHNSON of California, from the Committee on Interior and  
Insular Affairs, submitted the following

**REPORT**

[To accompany H.R. 1556]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1556) to authorize the Secretary of the Interior to modify the operation of the Kortès unit, Missouri River Basin project, Wyoming, for fishery conservation, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

H.R. 1556 was introduced by Mr. Roncalio.

**PURPOSE**

The purpose of the bill is to assure that the Secretary of the Interior operates the Kortès Unit, Pick-Sloan Missouri River program, in the interest of the conservation and enhancement of fishery resources insofar as consistent with existing valid water rights and the production of hydroelectric power for which the unit was authorized and constructed.

**BACKGROUND**

The Kortès Unit, Pick-Sloan Missouri River program, is comprised of Kortès Dam, Reservoir, and Powerplant. It is located on the North Platte River in the State of Wyoming immediately downstream from Seminole Dam, a facility of the Kendrick Project. Kortès Unit was authorized by the Flood Control Act of 1944 for the purpose of producing hydroelectric power with irrigation water releases from Seminole Reservoir. The reservoir of the Kortès Unit contains only minor storage capacity. Construction of the unit was commenced in 1946 and it has been in service as a peaking power facility since completion of construction in the late 1940's.

The pattern of water releases associated with peaking operations consists of periods of surge and periods of essentially no flow. Under such conditions, a viable fishery could not be maintained. This situation led to an experimental program through which the effect of various minimum releases on the fishery were studied. These experiments show that a minimum flow of 500 cubic feet per second would enable the development of an excellent trout fishery in the nine miles of the river between Kortes Dam and Pathfinder Reservoir.

Such releases (500 cfs) have been provided on a voluntary basis by the Secretary of the Interior since 1964. There have been minimal losses in power revenues due to this operating regimen as the energy produced during off-peak period is not as valuable as if produced during periods of peak power demand.

#### NEED FOR LEGISLATION

Although the present release pattern voluntarily provided by the Bureau of Reclamation is quite satisfactory from the fish and wildlife standpoint, in the absence of this legislation the Secretary of the Interior could discontinue the pattern at some future date, thereby damaging or destroying the fishery resource.

#### ANALYSIS OF PRESENT LEGISLATION

The bill directs the Secretary of the Interior to maintain a minimum release from Kortes Reservoir of not less than 500 cubic feet per second at any time such releases would not adversely affect the interest of holders of valid water rights. The bill also requires that, during periods of critical water supply, sufficient water must be retained in storage above Kortes Dam to support peaking power operations four hours per day, five days per week. This proviso can be accomplished without significant detrimental effect on the fish and wildlife values.

#### COST OF LEGISLATION

There are no investment costs or annual operations costs associated with the enactment of H.R. 1556. Studies show that losses in power revenue estimated to average \$19,000 per year will be caused. Such losses do not imperil the financial position of the Pick-Sloan Missouri River program, but would have the effect of extending the repayment of the power system by a very short period of time.

#### COMMITTEE RECOMMENDATION

By unanimous voice vote the Committee on Interior and Insular Affairs approved H.R. 1556 and recommends that it be enacted.

## DEPARTMENTAL REPORTS

The report of the Department of the Interior on H.R. 1556 follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., September 8, 1971.

HON. WAYNE N. ASPINALL,  
*Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 1556, a bill "To authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation."

We recommend that the bill be enacted.

H.R. 1556 would authorize and direct the Secretary of the Interior to modify the operation of the Kortes unit on the North Platte River in Wyoming to provide for fishery conservation on the North Platte River between Kortes Dam and Pathfinder Reservoir in addition to the units originally authorized single purpose of hydroelectric power development.

The Kortes unit consists of the Kortes Dam, Reservoir, and Powerplant. As authorized by the Flood Control Act of 1944 (58 Stat. 887) the unit's sole purpose was hydroelectric power production. It has been operated to produce power in a manner best suited to load characteristics and to make an optimum contribution to meet the overall power requirements of the Western division of the Missouri River Basin project power system.

During 1961, 1962, and 1963, the Bureau of Reclamation cooperated with the Wyoming Game and Fish Commission and the United States Bureau of Sport Fisheries and Wildlife in studying the effects of the Kortes Powerplant operations on the fishery between Kortes Dam and Pathfinder Reservoir. The study included a series of test releases at Kortes Dam to determine flow conditions required and fluctuations allowed to prevent fish loss, and desirable levels of flow to improve the fish habitat.

As a result of these tests, recommendations for maintenance of minimum flows were made by the Wyoming Game and Fish Commission and the Bureau of Sport Fisheries and Wildlife. The Bureau of Reclamation agreed to modify the operation of the Kortes Powerplant for water year 1964 to assure the recommended flow of at least 500 cubic feet per second between Kortes Dam and Pathfinder Reservoir. That interim pattern of releases has been continued to the present time on a year-to-year basis, subject to the availability of water and the power required to meet power marketing commitments.

The recommended flow has produced remarkable results. Studies indicate that the supply of many natural fish foods in the 8-mile stretch of the North Platte River has returned to great abundance. Rainbow and brown trout have showed a notable increase in size, and indications are that brown trout are maintaining themselves by natural reproduction for the first time in several years. The Wyoming Game and Fish Commission and the Bureau of Sport Fisheries and Wildlife recommend that this plan of operation be adopted on a permanent basis. The Bureau of Reclamation concurs in that recommendation.

Although the bill requires a minimum streamflow of 500 c.f.s. when water is available in storage, it does not provide for a minimum flow during periods when the flow cannot be fully maintained. Conceivably streamflow could be so reduced during these periods as to endanger water quality and the fishery resources. Water quality is presently not a problem on this part of the river. However, should future water quality problems develop which would interfere with present and future beneficial uses of the waters of the North Platte River between Kortes Dam and the normal headwater of Pathfinder Reservoir, it is the intention of the Department to operate the Kortes unit in such a manner as to assure water quality to meet applicable water quality standards.

The proposal to modify the operation of Kortes unit has been considered by the Governor of Wyoming. He concurs in the proposal and assures us that it has the support of the wide range of interests in Wyoming.

Enclosed herewith is a draft environmental impact statement, prepared pursuant to section 102(2)(C) of the National Environmental Policy Act, for the modification of the Kortes unit as proposed in the bill. A final environmental impact statement will be forwarded to the Congress when available.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JAMES R. SMITH,  
*Assistant Secretary of the Interior.*